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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,955	03/27/2001	Koji Nishi	P/2850-47	9861

7590 11/01/2006

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EXAMINER

CHANKONG, DOHM

ART UNIT PAPER NUMBER

2152

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/818,955

Applicant(s)

NISHI, KOJI

Examiner

Dohm Chankong

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 and 5-7 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4 and 8-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1> This action is in response to Applicant's amendment and arguments filed 8.23.2006.

Claims 1-18 are presented for further examination.

2> This is a final rejection.

Allowable Subject Matter

3> Applicant has amended claim 3 to overcome the objection set forth in the previous action. Claims 3 and 5-7 are allowed.

Response to Arguments

I. APPLICANT'S ARGUMENTS HAVE BEEN CONSIDERED BUT ARE NOT PERSUASIVE.

Applicant argues in substance that Giese does not expressly disclose: (A) with respect to claim 1, a service broker device receiving service information on services which can be provided by the respective domains and domain information and services are not received by the broker as services which can be provided; (B) with respect to claim 1, establishing an interconnection based on a required quality level; (C) with respect to claim 1, negotiation that is performed between the network service management devices while a service level agreement is brokered by the broker device at the functional host layer of the management devices. Applicant's arguments are not persuasive for the following reasons; and (D) with respect to claim 8, Graham does not disclose service information and domain information.

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- A. Giese discloses a service broker device at a functional host layer of the management device, the broker receiving service information on services which can be provided by the respective domains.

Applicant asserts that Giese merely discloses a content application outputs goals of an originating party and most of these service-related processes are performed by the providers. Specifically, Applicant argues that the claimed service broker device receives service information and domain information from management devices located in other networks managed by different providers, and the service broker device performs brokerage to select a particular management device in one of said other networks. Giese discloses each and every one of these limitations.

Giese's exchange agent is analogous to Applicant's claimed service broker device. The exchange agent is part of the functional host layer of the enhanced communications service layer, which is analogous to a service management device [Figure 2]. Each management network contains the service layer [Figure 13].

According to Giese, the exchange agent receives service information on services which can be provided by the other respective domains and domain information which are output from the respective service management devices that belong to each of the providers [column 13 «lines 21-57»]. The exchange agent also stores the received information and brokers a service level agreement between the networks of the plurality of providers by selecting route information [column 12 «lines 50-67» | column 13 «lines 21-28»].

Clearly the exchange agent located at each network is responsible for receiving information about other networks from other exchange agents (or transport agents) located at the other networks and then negotiating interconnections between the networks based on

the received information, such as offered QoS levels [column 14 «lines 49-51» | column 15 «lines 39-43»]. Therefore, Giese's exchange agents are analogous to the claimed service broker device. Specifically, the exchange agents receive service information on services which can be provided by the respective domains and domain information and services are not received by the broker as services which can be provided.

B. Giese discloses establishing an interconnection based on a required quality level.

Giese discloses that services are created by establishing interconnections between the various exchange agents located at different operations networks [Figure 7 : provider A, provider B]. Part of establishing interconnections involves looking at application session requirements which are "statements of communication class and/or quality-of-service needs" (emphasis added) [column 11 «lines 43-44»]. Specifically, "[n]egotiation also provides a means of obtaining end-to-end QoS commitment across multiple network providers and heterogeneous transport technologies" (emphasis added) [column 15 «lines 62-65»]. Thus, Giese discloses establishing an interconnection between networks based on a required QoS level.

C. Giese discloses negotiation that is performed between the network service management devices while a service level agreement is brokered by the broker device at the functional host layer of the management devices.

As discussed above, Giese disclose that the exchange agents, as part of the service management devices of each operations network, negotiate with other exchange agents that are part of other operations networks [column 13 «lines 21-57»]. Additionally, the exchange agents broker a service level agreement between the different management devices [column 13 «lines 23-28»].

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D. Graham's advertisements and service registrations are analogous to Applicant's claimed service information and domain information.

Graham's service advertisements are clearly analogous to the claimed "information on which services can be provided. The entire purpose of service advertisements is to notify clients on what services are available at the particular network. Further, Applicant's claim merely states that domain information contains configuration information. Giese's registry contains configuration information on how to use the requested services from the various network domains [column 2 «lines 16-50»].

II. CONCLUSION

Applicant's arguments have been carefully considered but for the aforementioned reasons, they are not deemed persuasive. The claim rejections set forth in the previous non-final rejection are therefore maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4> The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action [see non-final rejection, filed 6.7.2006].

5> Claims 1, 2, 10, 11 and 13-18 are rejected under 35 U.S.C § 102(e) as being anticipated by Giese, U.S Patent No. 6.621.895.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6> The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action [see non-final rejection, filed 6.7.2006].

7> Claim 4 is rejected under 35 U.S.C § 103(a) as being unpatentable over Giese in view of Yates et al, 6.330.586 ["Yates"].

8> Claims 8-9 are rejected under 35 U.S.C 103(a) as being unpatentable over Giese in view of Graham et al (hereinafter Graham), U.S Patent No. 6,594,700.

9> Claim 12 is rejected under 35 U.S.C § 103(a) as being unpatentable over Giese in view of Arunchalam et al, U.S Patent No. 6,631,122 ["Arunchalam"].

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Tuesday-Friday [7:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER